IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

WP(C).No. 10117 of 2005(D)

PETITIONER:

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1. SABU JOSEPH, AGED 40 YEARS,
   PUTHUPARAMBIL, ATHIKKAYAM, RANNY TALUK.

2. JOSEPH JOSEPH, AGED 65 YEARS, -- DO --.

BY ADV. SRI.S.SANTOSH KUMAR (PERUNAD)

RESPONDENTS:

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1. THE DISTRICT CO-OPERATIVE BANK,
   RANNY BRANCH, P.O. RANNY,
   REPRESENTED BY ITS MANAGER.

2. THE ASSISTANT REGISTRAR/
   SPECIAL ARBITRATOR CUM SALE OFFICER,
   THE PATHANAMTHITTA DISTRICT CO-OPERATIVE BANK,
   PATHANAMTHITTA.

BY ADV. SRI.P.C.SASIDHARAN FOR R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:-

EXT.P1 TRUE COPY OF THE REPRESENTATION DATED 11/01/2005 OF THE PETITIONER

EXT.P2 TRUE COPY OF THE AUCTION NOTICE DATED 10/02/2005

RESPONDENT'S EXTS:-

EXT.R1(a) TRUE COPY OF THE AWARD IN ARC 307/2000 DATED 04/12/2000

EXT.R1 (b) TRUE COPY OF THE LETTER NO.63/03 DATED 28/08/2003

EXT.R1 (c) TRUE COPY OF THE LETTER NO.81/04-05 DATED 28/05/2004

\\TRUE COPY //

P.A TO JUDGE

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

WP(C).No. 10117 of 2005(D)

PETITIONER:

1. SABU JOSEPH, AGED 40 YEARS,
   PUTHUPARAMBIL, ATHIKKAYAM, RANNY TALUK.

2. JOSEPH JOSEPH, AGED 65 YEARS, -- DO --.

BY ADV. SRI.S.SANTOSH KUMAR (PERUNAD)

RESPONDENTS:

1. THE DISTRICT CO-OPERATIVE BANK,
   RANNY BRANCH, P.O. RANNY,
   REPRESENTED BY ITS MANAGER.

2. THE ASSISTANT REGISTRAR/
   SPECIAL ARBITRATOR CUM SALE OFFICER,
   THE PATHANAMTHITTA DISTRICT CO-OPERATIVE BANK,
   PATHANAMTHITTA.

BY ADV. SRI.T.R.RAMACHANDRAN NAIR, SC, DCB, KTM
SRI.P.C.SASIDHARAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

There was no representation when the writ petition was taken up on 04/12/2006. Hence, it is posted today for disposal.

When the matter came up today, there is no representation. This is a writ petition filed in the year 2005, and even now it remains on filed.

In the above circumstances, I dismiss the writ petition for default.

Sd/- J.M.JAMES, JUDGE

06/12/2006

\\ TRUE COPY//

J.M.JAMES, J.

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W.P.(C) No. 10117 of 2005 (D)

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Dated this the 19th day of December, 2006

J U D G M E N T

I heard the arguments advanced by the learned counsel for the writ petitioners as well as the learned counsel for the first respondent, together with the submissions of the Senior Government Pleader for the second respondent. On 28/03/2005, this Court had directed the writ petitioners to remit an amount of Rs.1,00,000/-, on or before 31/03/2005. The same had not been done so far. It is submitted by the counsel for the writ petitioners that facilities and benefits available under one time settlement scheme may be extended to the writ petitioners, as they are willing to abide by any directions that would be issued by this Court, in terms of the one time settlement.

2. The learned counsel for the first respondent, however, opposes the plea, on the ground that the writ petitioners did not remit the amount of Rs.1,00,000/-, as ordered by this Court on 28/03/2005.

3. After hearing both sides and considering the circumstances of this case, I direct the writ petitioners to remit an amount of Rs.1,00,000/- (Rupees one lakh only), within two weeks from today, before the first respondent bank. Simultaneously the writ petitioners shall also file an application requesting for an one time settlement, before the first respondent. The latter shall, on receipt of such representation, hear the writ petitioners and fix the final amount, due to the first respondent.

4. The balance amount due to the first respondent, shall be remitted according to the benefits available under the one time settlement scheme, as per Circular No.27/2006, dated 29/06/2006.

5. In case of any default in making the payment of Rs.1,00,000/-, as directed above within two weeks, or making payments of instalments, as would be ordered by the first respondent, the facility of one time settlement will be lost to the writ petitioners and the first respondent will be at liberty to realise the amount, according to the law.

This writ petition is closed as above.

(J.M.JAMES)
Judge

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